

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EDDIE A. SWEET,)	
)	
Plaintiff,)	8:09CV398
)	
v.)	
)	
JAIN ENTERPRISES, INC., a)	ORDER
Wisconsin Corporation, and MICHAEL)	
G. HARSH,)	
)	
Defendants.)	
_____)	

This matter is before the court on the motion of defendant Jain Enterprises, Inc. to set aside the clerk's entry of default, Filing No. 18, and on the plaintiff's motion to withdraw his motion for default judgment, Filing No. 22. The plaintiff does not oppose the defendant's motion to set aside the clerk's entry of default and asks to withdraws his motion for a default judgment. The court finds the defendant has show good cause to set aside the entry of default. Plaintiff also asks for a continuance of the deadline for the Fed. R. Civ. P. 26(f) conference. The court finds the motions should be granted. Resolution of these motions makes a hearing unnecessary. Accordingly,

IT IS ORDERED:

1. Defendant Jain Enterprises, Inc.'s motion to set aside the clerk's entry of default (Filing No. 18) is granted.
2. The clerk's entry of default (Filing No. 13) is hereby set aside.
3. The plaintiff's motion to withdraw its motion for default judgment (Filing No. 22) is granted.

4. The hearing on the plaintiff's motion for default judgment set for February 5, 2010 at 8:30 a.m. is cancelled.
5. Defendant shall answer or otherwise plead within 10 days of the date of this order.
6. The parties shall file a completed Fed. R. Civ. P. 26(f) form within 14 days thereafter.

DATED this 4th day of February, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge